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Attorney For Debtor(s)

**UNITED STATES BANKRUPTCY COURT
Central District of California**

In Re ALEJANDRO FLORES and LORRAINE	) Chapter 13
GOMEZ	) Case No.: 1:14-11057-AA
)
Debtor(s),	) DEBTORS' NOTICE OF OPPOSITION AND
	) OPPOSITION TO TRUSTEE'S OBJECTION TO
	) EXEMPTION, POINTS AND AUTHORITIES,
	) AND DECLARATION IN SUPPORT OF
	) OPPOSITION
)
	) Hearing Date: July 3, 2014
ELIZABETH F. ROJAS,	) Time: 9:30 AM
	) Location: 21040 Burbank Blvd.
Trustee,	) Woodland Hills, CA 91367
	) CTRM: 303
)

TO THE HONORABLE ALAN AHART, UNITED STATES BANKRUPTCY JUDGE, THE
CHAPTER 13 TRUSTEE, AND ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the Debtors hereby oppose the Trustee's
Objection to Debtors' Claim of Exemption Filed 06/18/2014 (Docket #26). The
objection is based on the attached points and authorities, declaration, and
attached exhibits.

Dated this 06/19/2014
Submitted By:
Bankruptcy Law Center

By: /s/ Brett F. Bodie
Attorney For Party

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEBTOR'S OPPOSITION TO
TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTION.

This opposition is brought in accordance with Local Bankruptcy Rule
("L.B.R.") 9013-1(f). The Court has jurisdiction to hear this matter
pursuant to 28 U.S.C. §157 and 28 U.S.C §1334.

I. STATEMENT OF FACTS

1. The Debtors' Chapter 13 bankruptcy case was filed on 02/28/2014 as
a skeletal emergency petition.

2. The balances of schedules and forms were filed on March 13th, 2014.

3. The Debtors' original Schedule C claimed the Debtors' term life
insurance policies "exempt to the statutory limit" and cited CCP
§703.140(b)(7). The Debtors' original Schedule C also claimed the Debtors'
retirement accounts "exempt to the statutory limit" and cited CCP
§703.140(b)(10)(E). The original Schedule C is attached hereto as Exhibit A.

4. The Debtors exemptions were chosen in light of the ruling in Schwab
v. Reilly 130 S. Ct. 335 (2009), and the exemption verbiage did not contain
language such as "100% exempt."

5. The Debtors and their Counsel attended the 341(a) Meeting of
Creditors on April 16, 2014. The Staff Attorney for the Chapter 13 Trustee
explained that the Trustee's office would object to the Debtors' exemptions
as described in paragraph 3 above.

6. Although the Debtors and their Counsel believe the original
exemption verbiage to be proper, after discussion with the Clients, the
Debtors elected to voluntarily amend their Schedule C to change the disputed
exemption verbiage as requested by the Chapter 13 Trustee's office.

7. An amendment to Schedule C was filed 05/22/2014 which replaced the
verbiage claiming the Debtors' life insurance policies and retirement
accounts as "exempt to the statutory limit" with actual dollar amounts

1 claimed exempt. This was done expressly to comply with the Trustee's
2 request. The Trustee was noticed of the amendment. A copy of the amendment
3 is attached hereto as Exhibit B.

4 8. Debtor's Counsel attended the confirmation hearing on 06/05/2014,
5 where all outstanding issues with the Chapter 13 plan were resolved. The
6 confirmation hearing was continued solely for the Debtors to provide updated
7 post-petition secured debt payment declarations.

8 9. On 06/18/2014, the Trustee filed an Objection to the Debtors'
9 claimed exemption. The Trustee's objection cites the *original schedule C and*
10 *the verbiage described in paragraph 4 above*. The Trustee's objection states
11 no amendment has been filed, although an amendment to Schedule C was filed on
12 5/22/2014.

13
14 II. ARGUMENT

15 Debtor's Counsel believes that the Trustee's Objection to Claim of
16 Exemption was filed in error, as an amendment was filed on 5/22/2014 which
17 makes this objection moot. The Trustee's Objection cites the original
18 schedule C and attaches it as an exhibit to the Objection. The Objection
19 also states incorrectly that no amendment to schedule C has been filed.

20 This issue is moot as there was an amendment to Schedule C previously
21 filed which amended the schedule to remove the exemption verbiage at issue.

22
23 IV. CONCLUSION

24 The Debtors respectfully request this Court enter an order denying the
25 Trustee's Objection to Debtor's Claim of Exemption, as there was a previous
26 amendment filed which removed all verbiage cited in the Trustee's objection,
27 rendering the Objection moot.

Dated this 06/19/2014
Submitted By:
Bankruptcy Law Center

By: /s/ Brett F. Bodie
Attorney For Party

DECLARATION IN SUPPORT OF MOTION

I, Brett F. Bodie, am over the age of 18 years and hereby declare as follows: I am an attorney licensed to practice law in California and I am admitted to practice in the United States Court Central District of California. The facts contained in this motion are of my own personal knowledge, based upon meeting or discussion with my client, my notes and/or review of our internal file, or my review of the Court's file in this case. I certify that any attached Exhibits are true and correct copies of conformed, filed, documents in this case.

I swear under penalty of perjury the foregoing is true and correct.

Executed in Encino, Ca on June 19, 2014

/s/ Brett F. Bodie
Brett F. Bodie

EXHIBIT A

ORIGINAL SCHEDULE C

In re **Alejandro Flores,
Lorraine Gomez**Case No. **1:14-bk-11057**

Debtors

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. §522(b)(2)☒ 11 U.S.C. §522(b)(3)☐ Check if debtor claims a homestead exemption that exceeds \$155,675. (Amount subject to adjustment on 4/1/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Cash on Hand			
Cash on hand	C.C.P. § 703.140(b)(5)	50.00	50.00
Location: In Debtors' Possession			
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
Schools First FCU Checking x5975 - Balance	C.C.P. § 703.140(b)(5)	1,000.00	1,000.00
Less Than			
Water & Power Community Credit Union			
Savings Acct - Balance Less Than	C.C.P. § 703.140(b)(5)	50.00	50.00
Household Goods and Furnishings			
Misc used household goods and furnishings	C.C.P. § 703.140(b)(3)	2,000.00	2,000.00
Location: 11923 Ratner St, North Hollywood CA 91605			
Wearing Apparel			
Misc used clothing	C.C.P. § 703.140(b)(3)	1,000.00	1,000.00
Location: 11923 Ratner St, North Hollywood CA 91605			
Furs and Jewelry			
Misc used jewelry	C.C.P. § 703.140(b)(4)	1,525.00	2,000.00
Location: 11923 Ratner St, North Hollywood CA 91605	C.C.P. § 703.140(b)(5)	475.00	
Interests in Insurance Policies			
Primerca Term life insurance policy for Debtor	C.C.P. § 703.140(b)(7)	Claimed exempt to the statutory limit	0.00
--no cash value, believed no saleable value			
Primerca Term life insurance policy for Joint Debtor	C.C.P. § 703.140(b)(7)	Claimed exempt to the statutory limit	0.00
--no cash value, believed no saleable value			
Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans			
Joint-Debtor's CalPERS Account	C.C.P. § 703.140(b)(10)(E)	Claimed exempt to the statutory limit	16,981.12
Western Conference of Teamsters Pension Trust			
--Has no liquidatable value. Debtor is entitled to monthly retirement benefit of \$1165 per month at retirement age.	C.C.P. § 703.140(b)(10)(E)	Claimed exempt to the statutory limit	0.00
Automobiles, Trucks, Trailers, and Other Vehicles			
2007 Chevrolet Silverado 88k mi	C.C.P. § 703.140(b)(5)	432.00	9,791.00
Location: 11923 Ratner St, North Hollywood CA 91605			

In re **Alejandro Flores,
Lorraine Gomez**Case No. **1:14-bk-11057**

Debtors

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
2007 Chevrolet Tahoe 100k mi	C.C.P. § 703.140(b)(2)	5,100.00	14,150.00
Location: 11923 Ratner St, North Hollywood CA	C.C.P. § 703.140(b)(5)	9,050.00	
91605			

EXHIBIT B

AMENDED SCHEDULE C FILED 05/22/14

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

Filer's Name:	<u>Brett Bodie</u>	Atty Name (if applicable):	<u>Brett Bodie</u>
Street Address:	<u>16133 Ventura Blvd Ste 700 Encino, CA 91436</u>	CA Bar No. (if applicable):	<u>264452</u>
Filer's Telephone No.:	<u>800-718-9688</u>	Atty Fax No. (if applicable):	<u>866-444-7026</u>
In re:	<u>Alejandro Flores Lorraine Gomez</u>	Case No. 1:14-bk-11057 Chapter 13	

AMENDED SCHEDULE(S) AND/OR STATEMENT(S)

A filing fee of \$30.00 is required to amend any or all of Schedules "D" through "F." An addendum mailing list is also required as an attachment if creditors are being added to the creditors list. Is/are creditor(s) being added? Yes ☒ No ☐

Indicate below which schedule(s) and/or statement(s) is(are) being amended.

A ☐ B ☐ C ☒ D ☒ E ☐ F ☐ G ☐ H ☐ I ☐ J ☐

Statement of Social Security Number(s) ☐

Statement of Financial Affairs ☐

Statement of Intention ☐

Other ☐

NOTE: IT IS THE RESPONSIBILITY OF THE DEBTOR TO MAIL COPIES OF ALL AMENDMENTS TO THE TRUSTEE AND TO NOTICE ALL CREDITORS LISTED IN THE AMENDED SCHEDULE(S) AND TO COMPLETE AND FILE WITH THE COURT THE PROOF OF SERVICE ON THE BACK OF THIS PAGE.

I/We, Alejandro Flores and Lorraine Gomez, the person(s) who subscribed to the foregoing Amended Schedule(s) and/or Statement(s) do hereby declare under penalty of perjury that the foregoing is true and correct.

DATED: May 5, 2014

Alejandro Flores
Debtor Signature

Lorraine Gomez
Co-Debtor Signature

****FOR COURT USE ONLY****

****SEE REVERSE SIDE****

B6D (Official Form 6D) (12/07)

In re Alejandro Flores
Lorraine Gomez

Case No. 1:14-bk-11057

Debtor(s)

AMENDED SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is the creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns).

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim Without Deducting Value of Collateral" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion, if Any" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER (See Instructions Above)	C O D E B T O R	H U S B A N D W I F E J O I N T O R	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. 149972730			Opened 3/01/07 Last Active 12/16/13					
Bank of America Attn: C Unit/CA6-919-02-41 Po Box 5170 Simi Valley, CA 93062		C	Deed of Trust 11923 Ratner St North Hollywood, CA 91605					
			VALUE \$300,000.00				\$492,495.00	\$192,495.00
ACCOUNT NO. 6070562913181008			Opened 2/01/13					
Onemain Financial Po Box 499 Hanover, MD 21076		C	Non-Purchase Money Security 2007 Chevrolet Silverado 88k mi Location: 11923 Ratner St, North Hollywood CA 91605					
			VALUE \$9,791.00				\$9,359.00	\$0.00
Total(s) (Use only on last page)							CORRECTED: \$501,854.00	CORRECTED: \$192,495.00

Case No. 1:14-bk-11057

Case No.

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE AND AN ACCOUNT NUMBER <i>(See Instructions Above)</i>	C O D E B T O R	Husband, Wife, Joint or Community		C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
		H W J C	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN					

If applicable, report also on Statistical Summary of Certain Liabilities and Related Data)

B6C (Official Form 6C) (04/13)

Alejandro Flores

In re Lorraine Gomez

Case No. 1:14-bk-11057

Debtor(s)

AMENDED SCHEDULE C - PROPERTY CLAIMED AS EXEMPTDebtor claims the exemptions to which debtor is entitled under:
(Check one box)☐ Check if debtor claims a homestead exemption that exceeds \$155,675.*☐ 11 U.S.C. §522(b)(2)☒ 11 U.S.C. §522(b)(3)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
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Cash on Hand

Cash on hand

Location: In Debtors' Possession

C.C.P. § 703.140(b)(5)

50.00

50.00

Checking, Savings, or Other Financial Accounts, Certificates of Deposit

Schools First FCU Checking x5975 - Balance Less Than

C.C.P. § 703.140(b)(5)

1,000.00

1,000.00

Water & Power Community Credit Union Savings Acct - Balance Less Than

C.C.P. § 703.140(b)(5)

50.00

50.00

Household Goods and FurnishingsMisc used household goods and furnishings
Location: 11923 Ratner St, North Hollywood
CA 91605

C.C.P. § 703.140(b)(3)

2,000.00

2,000.00

Wearing Apparel

Misc used clothing

Location: 11923 Ratner St, North Hollywood
CA 91605

C.C.P. § 703.140(b)(3)

1,000.00

1,000.00

Furs and Jewelry

Misc used jewelry

Location: 11923 Ratner St, North Hollywood
CA 91605

C.C.P. § 703.140(b)(4)

1,525.00

2,000.00

C.C.P. § 703.140(b)(5)

475.00

Interests in Insurance PoliciesPrimerca Term life insurance policy for Debtor
--no cash value, believed no saleable value

C.C.P. § 703.140(b)(7)

[CORRECTED] 0.00

0.00

Primerca Term life insurance policy for Joint
Debtor

--no cash value, believed no saleable value

C.C.P. § 703.140(b)(7)

[CORRECTED] 0.00

0.00

*Amount subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

Schedule of Property Claimed as Exempt consists of 2 total page(s)

AMENDED SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<u>Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans</u>			
Joint-Debtor's CalPERS Account	C.C.P. § 703.140(b)(10)(E)	[CORRECTED] 16,981.12	16,981.12
Western Conference of Teamsters Pension Trust --Has no liquidatable value. Debtor is entitled to monthly retirement benefit of \$1165 per month at retirement age.	C.C.P. § 703.140(b)(10)(E)	[CORRECTED] 100,000.00	0.00
<u>Automobiles, Trucks, Trailers, and Other Vehicles</u>			
2007 Chevrolet Silverado 88k mi Location: 11923 Ratner St, North Hollywood CA 91605	C.C.P. § 703.140(b)(5)	432.00	9,791.00
2007 Chevrolet Tahoe 100k mi Location: 11923 Ratner St, North Hollywood CA 91605	C.C.P. § 703.140(b)(2)	5,100.00	14,150.00
	C.C.P. § 703.140(b)(5)	9,050.00	
Total:		[CORRECTED] 137,663.12	47,022.12

PROOF OF SERVICE

I hereby certify that a copy of the Amendment(s) was(were) mailed to the following parties on 5/22/2014:

See Attached Service List.

DATED: May 22, 2014

Nicole Dominguez

Print or Type Name

/s/ Nicole Dominguez

Signature

(SEE ATTACHED MAILING LIST.)

ATTACHED SERVICE LIST

FLORES, ALEJANDRO AND GOMEZ, LORRIANE (1:14-bk-11057-AA)
BANKRUPTCY LAW CENTER, APC

Elizabeth Rojas, *Trustee*
15060 Ventura Blvd.,
Ste 240
Sherman Oaks, CA 91403

Office of the US Trustee
915 Wilshire Blvd.,
Suite 1850
Los Angeles, CA 90017

Bank of America
Attn: C Unit/CA6-919-02-41
Po Box 5170
Simi Valley, CA 93062

Bank of America, National Assn
c/o CT Corporation System
818 W Seventh St
Los Angeles, CA 90017

Bank of America, National Assn
101 North Tryon St
Charlotte, NC 28202

In re:
Alejandro Flores
Lorraine Gomez

Debtor(s).

CHAPTER: 13
CASE NUMBER: 1:14-bk-11057

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1230 Columbia St
#1100
San Diego CA 92101

A true and correct copy of the foregoing document entitled (*specify*): DEBTORS' NOTICE OF OPPOSITION AND OPPOSITION TO TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTION AND ATTACHED POINTS AND AUTHORITIES, DECLARATION, AND EXHIBITS will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 06/19/2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

(x) Elizabeth Rojas, Trustee (cacb_ecf_sv@ch13wla.com)
(x) US Trustee (ustregion16.wh.ecf@usdoj.gov)

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On 06/19/2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 06/19/14 I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

(X) Hon. Alan Ahart
21041 Burbank Blvd Ste 342/Ctrm 303
Woodland Hills, CA 91367

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

June 19, 2014

Brett Bodie 264452

/s/ Brett Bodie

Date

Printed Name

Signature